

1

LDD

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

063-82015

VICTORIA DEANE

CIVIL ACTION

vs.

TRUMP PLAZA A/K/A TRUMP PLAZA
ASSOCIATES, LLC A/K/A TRUMP PLAZA
HOTEL & CASINO A/K/A TRUMP PLAZA
HOTEL A/K/A TRUMP PLAZA ASSOCIATES
A/K/A TRUMP PLAZA HOLDING, INC.

FILED 08 cv 2747
JUN 12 2008

MICHAEL E. KUNZ, Clerk
By *[Signature]* Dep. Clerk

NOTICE OF REMOVAL

AND NOW, Defendant, Trump Plaza, by and through its attorneys, MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C., hereby removes the above-captioned case to this Honorable Court and provides notice of same to counsel representing the Plaintiff. In support of the removal, the Defendant avers as follows:

1. This is an action filed and now pending in the Philadelphia Court of Common Pleas, May Term, 2008. No. 1035.
2. A copy of Plaintiff's complaint is attached hereto as Exhibit "A".
3. This action was instituted by complaint in the Court of Common Pleas of Philadelphia County on or about May 9, 2008 by Plaintiff filing a complaint at the above court term and number.
4. This Notice of Removal is being filed within thirty (30) days after receipt by the Defendant of the initial pleading setting forth the claim for relief upon which this action is based in accordance with 28 U.S.C. §1446(b).

5. This is a civil suit and involves controversy between citizens of different states. Plaintiff, upon information and belief, was at the time of the commencement of the above action a citizen of the Commonwealth of Pennsylvania.

6. Defendant, Trump Plaza, which conducts business at The Boardwalk at Mississippi Avenue, Atlantic City, is a New Jersey corporation with principal place of business in Atlantic City, New Jersey.

7. As averred in Plaintiff's complaint, the damages claimed by Plaintiff are in excess of \$50,000.00.

8. Defendant alleges and avers upon information and belief that the amount in controversy is in excess of \$75,000.00, exclusive of interests and costs.

9. The above-described Civil Action is one in which this Honorable Court has original jurisdiction pursuant to Title 28 United States Code Section 1332 based upon the fact that there exists diversity of citizenship between the parties and the amount in controversy is in excess of \$75,000.00, exclusive of interests and costs, and is accordingly one which may be removed to this Honorable Court by Notice pursuant to Title 28, United States Code, Section 1441.

10. Promptly after filing this Notice of Removal in this Honorable Court, a copy of this Notice of Removal will be filed with the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania, in accordance with 28 United States Code, Section 1446(d).

11. Copies of all process, pleadings and order served upon defendant as of the time of this removal are attached hereto in accordance with 28 United States Code, Section 1446(a).

12. Defendant has contemporaneously with the filing of this Notice of Removal given written notice to Plaintiff's counsel.

WHEREFORE, Defendant respectfully requests that this action, currently docketed in the Court of Common Pleas of Philadelphia County be removed to the United States District Court for the Eastern District of Pennsylvania.

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**

By: JEM3229
Jerome E. Marks, Esquire
Elizabeth A. Chalik, Esquire
Attorney I.D. Nos.: 21239/88157
1800 JFK Boulevard, Suite 1900
Philadelphia, Pa. 19103
215-564-6688
Attorneys for Defendant

EXHIBIT A

JOSEL & FEENANE, P.C.
BY: ATTARAH B. FEENANE, ESQUIRE
BY: STEPHEN C. JOSEL, ESQUIRE
IDENTIFICATION NO. 57619/21218
2019 WALNUT STREET
PHILADELPHIA PA 19103
TELEPHONE: (215) 864-9300
Fax #: (215) 569-9920

ATTEST

MAY 9 - 2008

L BRYANT ATTORNEYS FOR PLAINTIFF

**THIS IS A MAJOR JURY CASE
ASSESSMENT OF DAMAGES
IS REQUIRED**

VICTORIA DEANE
5329 W. Columbia Avenue
Philadelphia, PA 19131

Plaintiff

v.

TRUMP PLAZA a/k/a TRUMP PLAZA
ASSOCIATES, LLC, a/k/a TRUMP PLAZA
HOTEL & CASINO a/k/a TRUMP PLAZA
HOTEL a/k/a TRUMP PLAZA ASSOCIATES
a/k/a TRUMP PLAZA HOLDING, INC.
The Boardwalk at Mississippi Avenue
Atlantic City, New Jersey 08401

JURY FEE PAID

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION

COURT TERM

MAY 2008
E 01035

CIVIL ACTION

2S-Premises Liability, Slip & Fall
"NOTICE"

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER (OR CANNOT AFFORD ONE), GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE
One Reading Center
1101 Market Street, 11th Street
Philadelphia, Pennsylvania 19107
Telephone: (215) 238-1701

“AVISO”

LE HAN DEMANDADO A USTED EN LA CORTE. Si usted quiere defenderse contra las demandas nombradas en la paginas siguientes, tiene veinte (20) dias al partir de recibir esta demanda y notificacion para entablar personalmente o por un abogado una comparecencia escrita y tambien para entablar con la courte en forma escrita sus defensas y objeciones a las demandas contra usted. Sea avisado que si usted no se defiende, el caso puede continuar sin usted y la corte puede incorporar un juicio contra usted sin previo aviso para conseguir el dinero demandado en el pleito o para conseguir cualquier otra demanda o alivio solicitado por el demandante. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENDE ABOGADO (O NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO) VAYA EN PERSONA OR LLAME POR TELEFONO LA OFICINA NOMBRADA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ESTA OFICINA PUEDE PROPORCIONARLE LA INFORMACION SOBRE CONTRATAR A UN ABOGADO

SI USTED NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO, ESTA OFICINA PUEDE PROPORCIONARLE INFORMACION SOBRE AGENCIAS QUE OFRECEN SERVICIOS LEGALES A PERSONAS QUE CUMPLEN CON LOS REQUISITOS PARA UN HONORARIO REDUCIDO O NINGUN HONORARIO.

ASOCIACION DE LICENCIADOS DE FILADELFIA
Servicio De Referencia E Informacion Legal
1101 Market Street, 11th Floor
Filadelfia, Pennsylvania
Telefono: (215) 238-1600

wfo

1. Plaintiff **VICTORIA DEANE** is an adult individual residing at the above address.

cll

2. Defendant **TRUMP PLAZA a/k/a TRUMP PLAZA ASSOCIATES, LLC, a/k/a TRUMP PLAZA HOTEL & CASINO a/k/a TRUMP PLAZA HOTEL a/k/a TRUMP PLAZA ASSOCIATES a/k/a TRUMP PLAZA HOLDING, INC.** is a foreign corporation, known collectively herein as **TRUMP PLAZA**, a casino and hotel located at the above address, which does significant business in Philadelphia, Pennsylvania.

wfo, cll

3. At all times relevant, Defendant Trump Plaza was acting by and through its agents, servants and/or employees who acted within the course and scope of their authority.

↓

4. At all times relevant hereto, Defendant Trump Plaza owned, possessed and controlled real property known as Trump Plaza, a hotel and casino located at The Boardwalk and Mississippi Avenue in Atlantic City, New Jersey.

5. At all times relevant, plaintiff Victoria Deane was a registered guest at the Trump Plaza hotel and was a business invitee of defendant Trump Plaza.

6. On June 3, 2006, at approximately 2:00 P.M., plaintiff Victoria Deane was a registered guest at the Trump Plaza located at Boardwalk and Mississippi Avenue in Atlantic City, New Jersey, and was walking from her hotel room toward the elevator on the sixth floor of the hotel when she tripped and fell as a result of defective, broken or otherwise raised molding or molding strip on the floor of the hallway.


7. The presence of the defective, broken or otherwise raised molding or

molding strip on the floor created a dangerous and defective condition at the aforesaid hotel.

8. Defendant Trump Plaza owed plaintiff the duty to maintain its hotel in safe condition for plaintiff's use and to inspect the hotel to uncover dangerous and defective conditions such as the raised, broken or otherwise defective molding or molding strip in question.

9. At the above time and place, defendants known collectively herein Trump as knew or should have known of the dangerous condition created by the presence of the raised, broken or otherwise defective molding or molding strip in question, and had actual and/or constructive notice of the dangerous and defective condition created by the above condition.

10. Defendant breached its duties to plaintiff in some or all of the following particulars:

- 
- a). failure to inspect hallway of hotel to uncover dangerous and defective conditions such as the molding in question;
 - b). failure to repair or replace molding or molding strip;
 - c). failure to removed molding or molding strip;
 - d). failure to maintain premises in reasonably safe condition;
 - e). allowing a dangerous condition to remain on the floor;
 - f). creating a dangerous condition by negligent repair;
 - g). failure to maintain carpets in hallways including molding installed to hold carpet seams in place;
 - h). failure to warn plaintiff of defect inherent in the condition of the

carpet, molding and floor;

h). failure to place warning cones or signs to warn plaintiff of the dangerous condition;

i.) failure to inspect the premises;

i). violations of statutes and ordinances.

11. As a direct and proximate result of the aforesaid incident, Plaintiff Victoria Deane sustained injuries, including, but not limited to, the following: injury to the right knee; injury to the right shoulder requiring open fixation surgery; surgical scars; scarring and disfigurement; pain and suffering and other injuries, some or all of which are permanent in nature.

12. As a further direct and proximate result of the aforesaid incident, Plaintiff Victoria Deane incurred medical bills in an effort to effect a cure for her injuries, and she may continue to incur such expenses in the future, all to her detriment and loss.

13. As a further direct and proximate result of the aforesaid incident, Plaintiff Victoria Deane was unable to attend to her usual daily duties and occupations, and she is expected to suffer such a loss in the future, all to her great detriment and loss.

14. As a further direct and proximate result of the aforesaid incident, Plaintiff Victoria Deane suffered the loss of life's pleasures, and she is expected to suffer such a loss in the future, all to her great detriment and loss.

WHEREFORE, Plaintiff demands judgment against the Defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, together with interest,

new matter
NOT new matter
change

costs and damages for delay.

JOSEL & FEENANE, P.C.

BY: Attarah B. Feenane
ATTARAH B. FEENANE, ESQUIRE
Attorney for Plaintiff

BY: Stephen C. Josel
STEPHEN C. JOSEL, ESQUIRE
Attorney for Plaintiff

VERIFICATION

VICTORIA DEANE, being duly sworn according to law
deposes and says She is the PLAINTIFF in the above matter, and that the facts
contained in the foregoing pleading are true and correct to the best of her knowledge,
information and belief; the within statement/document/pleading is made subject to the
penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 5/1/08

Victoria Deane

COMMONWEALTH OF PENNSYLVANIA

:
:
:
:
:

SS

COUNTY OF PHILADELPHIA

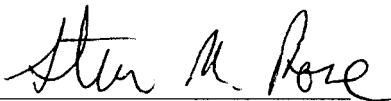
AFFIDAVIT

Elizabeth A. Chalik, Esquire being duly sworn according to law deposes and says that the facts set forth in the foregoing Notice of Removal are true and correct to the best of her knowledge, information and belief.

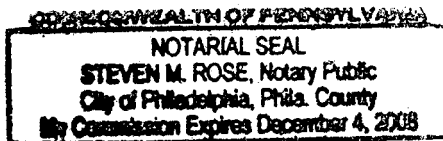


Elizabeth A. Chalik, Esquire

Sworn to and Subscribed
before me this 12 day of
JUNE, 2008.



Notary Public



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

063-82015

VICTORIA DEANE

CIVIL ACTION

vs.

TRUMP PLAZA A/K/A TRUMP PLAZA
ASSOCIATES, LLC A/K/A TRUMP PLAZA
HOTEL & CASINO A/K/A TRUMP PLAZA
HOTEL A/K/A TRUMP PLAZA ASSOCIATES
A/K/A TRUMP PLAZA HOLDING, INC.

NO.

FILED

JUN 12 2008

MICHAEL E. KUNZ, Clerk
Dep. Clerk

CERTIFICATE OF SERVICE

I hereby certify that this 12th day of June, 2008, a true and correct copy of

the Defendant's Notice to Remove was served on all parties of record by first class mail, postage prepaid.

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**

By: JEM3229

Jerome E. Marks, Esquire
Elizabeth A. Chalik, Esquire
Attorneys for Defendant,
SNC Enterprises, Inc.
1800 JFK Boulevard, Suite 1900
Philadelphia, Pa. 19103
215-564-6688